

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19822 of 2015

Arising Out of PS.Case No. -2 Year- 2012 Thana -BARHARIA District- SIWAN

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1. Vinod Sah @ Langara @ Binod Sah son of Ganga Sagar Sah resident of village- Rasulpur, P.S.- Barharia, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-01-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 364, 365 and 120 (B) of the I.P.C

Allegedly, Mukesh Kumar Sah, the minor son of the informant/complainant was kidnapped by the petitioner and other named accused persons and demanded Rs. 5,00,000/- as ransom for his release.

Submission is of false implication and that this case has been lodged on the basis of the complaint petition which was filed on 12.12.2011 for the occurrence of 09.09.2011, the son of the complainant is doing job any where within the knowledge of the complainant and only with a view to take revenge the



petitioner and his family members have been implicated falsely, the petitioner is suffering in custody since 10.01.2012 having no criminal antecedent, in near future the trial is not likely to be concluded as up till now only six prosecution witnesses have been examined and the learned trial Judge has sought six months more time, there is no chance of tampering with the prosecution evidence and as such considering detention of the petitioner lenient view can be taken as similarly situated co-accused Sushila Devi @ Soshila Devi and Ganga Sagar Sah have already been allowed bail vide Cr. Misc. Nos. 37260 of 2012 and 7834 of 2013 by another coordinate Bench of this Court.

The learned A.P.P. fairly submits that two co-accused have been allowed regular bail.

In the facts and circumstances as stated above, considering detention of the petitioner and further considering that there is nothing on the record to show that the petitioner after his release will influence the trial or tamper with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 3rd Additional District Judge, Siwan in Sessions Trial No. 278 of 2012 arising out of Barharia P.S. Case No. 02 of 2012, subject to

the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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